

Notice of Allowability	Application No.	Applicant(s)	
	10/681,801	GONZALEZ, PATRICK F.	
	Examiner	Art Unit	
	Justin P. Misleh	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed November 9, 2007.
2. ☒ The allowed claim(s) is/are 1 – 9, 14 – 18, and 20 (now respectively renumbered 1 – 15).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>2/4/08</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Jeff D. Limon on February 4, 2008.

The application has been amended as follows:

CLAIMS

- **Claim 1 (line 21)** – please delete “copied image data” and replace with “copied image frames”.
- **Claim 5 (line 4)** – please delete “selected from a group” and replace with “selected from the group”.
- **Claim 6** – please delete the claim language and replace with the following:

“The digital camera of claim 1 wherein the processing system further is configured to perform the image processing according to an image processing timing mode selected from at least one member of the group consisting of: performing the image processing after all buffer locations in the capture buffer are designated as unavailable and performing the image processing after all buffer locations in the capture buffer are designated as unavailable and until at least one unavailable buffer location becomes available.”
- **Claim 7 (line 23)** -- please delete “copied data” and replace with “copied image frames”.
- **Claims 10, 11, 12, 13, and 19** – please CANCEL these claims.

- **Claim 15** – please delete the claim language and replace with the following:

“The method of claim 7 further comprising performing the image processing according to an image processing timing mode selected from at least one member of the group consisting of: performing the image processing after all buffer locations in the capture buffer are designated as unavailable and performing the image processing after all buffer locations in the capture buffer are designated as unavailable and until at least one unavailable buffer location becomes available.”

- **Claim 16 (line 25)** -- please delete “copied data” and replace with “copied image frames”.

- **Claim 20 (lines 2 – 4)** – please delete “storing the corresponding image frames in the corresponding available buffer locations with at least one compression method selected from a group consisting of” and replace with “storing each corresponding image frame in the corresponding available buffer location with at least one compression method selected from the group consisting of”.

Allowable Subject Matter

2. **Claims 1 – 9, 14 – 18, and 20 (now respectively renumbered 1 – 15)** are allowed.
3. The following is an Examiner’s statement of reasons for allowance:

For **Claims 1, 7, and 16**, the closest prior art at least discloses a digital camera and a corresponding method of operating for capturing an image that has an image sensor; a capture trigger; a capture buffer with a plurality of buffer locations, where each location is available for storing image data; and a processing system which is configured to detect an activation of the

capture trigger, receive an image frame from the image sensor, store the image frame in an available buffer location, perform image processing on the image frame, and designate the available buffer location in which the image frame is stored as unavailable for image storage until the image processing is complete.

However, the closest prior art does not teach or fairly suggest where the capture buffer is configured as a first memory location to store auxiliary image frames, and where the digital camera has a second memory location, separate from the capture buffer, to store the captured image frames which correspond to the auxiliary image frames, and where the processing system additionally continuously receives and processes the auxiliary image frames during an auxiliary mode and before the capture trigger is activated, to store the auxiliary frames in the first memory location, and to copy one or more auxiliary image frames and corresponding image frames to a fixed section of memory for performing image processing on the copied image frames.

4. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Cited Prior Art

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure for the following reasons:

- **US 7,012,640 B2** discloses a digital camera which performs a recording test on a recording medium and optimizes a recording operation according to the results.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lin Ye can be reached on 571.272.7372. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Justin P. Misleh/
Examiner, GAU 2622
February 4, 2008